

October 31, 2007
US Serial No. 09/835,537

REMARKS

With the amendments above, claims 19, 21 and 29 are amended, and claims 31 and 32 are canceled. Claims 19 and 21 – 30 and 33 - 35 are now pending.

In the Advisory Action, the rejections under 35 USC §112, first paragraph, and under §102(e) and §103(a) over Kaddurah-Daouk, were withdrawn.

The only rejection maintained in the Advisory Action was the rejection of claims 19, 23-29 and 31 under §102(b) and §103(a) over Azumendi (GB 2315672).

Claims 19 is amended to limit the treatment to a guanidine salt, and claim 31 has been canceled. Claims 23 – 29, which ultimately depend from claim 19, are also limited to a guanidine salt. Accordingly, the basis for this rejection is now moot. Therefore, the rejection should be withdrawn.

Applicants also note for the record that the examiner's remarks in the Advisory Action concerning the induction of hyperthermia are incorrect. As stated in previous responses, the induction of hyperthermia is an entirely separate step in the method of treatment; it has nothing to do with the guanidine salt being administered. Please refer to the paragraph bridging pages 14 and 15 of the instant specification, where the aspect of hyperthermia treatment is disclosed. The induction of hyperthermia is a way to enhance the treatment with the chaotropic agents; it is a separate, adjunctive part of the treatment. As disclosed, such hyperthermia can be induced by the application of heat to the body from external heat sources. Azumendi does not disclose this aspect of the present invention at all. Thus, the assumption in the Advisory Action that a chaotropic agent would induce hyperthermia is not correct.

In view of the amendments and remarks herein, it is believed this application is in condition for allowance.


October 31, 2007
US Serial No. 09/835,537

With their reponse filed November 27, 2006, Applicants submitted a Notice of Appeal. Applicants were under the assumption that since no mention of the Notice of Appeal was made in the Final Office Action of January 22, 2007, that the Notice of Appeal was held in abeyance. Therefore, with their response filed June 22, 2007, it was requested by Applicants that the previously filed Notice of Appeal be reinstated as of that date.

However, the Advisory Action made no mention of the pendency of the Notice of Appeal. Thus, the period for replying to the Advisory Action ran from the date of the Final Office Action. In view of the fact that as of October 2, 2007 (the date of the Advisory Action), the period for response (including any extensions) had expired, it is Applicants' understanding that the application had inadvertently become constructively abandoned.

Accordingly, submitted herewith are a Petition for Revival for Unintentional Abandonment, as well as a Request for an RCE. The payment of fees is authorized on the attached Form-2038.

Respectfully submitted,


M. Elisa Lane
Attorney for Applicants
Registration No. 34,409

Panacea Pharmaceuticals, Inc.
207 Perry Parkway
Suite 2
Gaithersburg, Maryland 20877
Tel: (240) 454-8016 (direct)
elisalane@panaceapharma.com

Enclosures: Petition for Revival for Unintentional Abandonment
Request for RCE
Form-2038 (Fees = \$1175)